

Minutes of the Regular Agenda Meeting of the Mayor and Council of the City of South Tucson, Arizona, held Tuesday, May 16, 2023, at 6:00 p.m., at the City of South Tucson Council Chambers, 1601 S. 6th Avenue, South Tucson, Arizona.

Staff Present: Veronica Moreno, Interim City Manager
 Lourdes Aguirre, Finance Director
 Danny Denogean, Public Safety Director and Chief of Police
 Josue Licea, Planning and Zoning Director

Councilors Present: Mayor Paul Diaz
 Vice Mayor Herman Lopez
 Acting Mayor Rita Rogers
 Councilor Anita Romero
 Councilor Cesar Aguirre (Not Present)
 Councilor Brian Flagg
 Councilor Roxanna Valenzuela

Mayor Diaz called the Regular Agenda Meeting to order. Please stand for the Pledge of Allegiance, and Land Acknowledgment and Mission Statements.

ITEM #03 – LAND ACKNOWLEDGMENT AND MISSION STATEMENT

Vice Mayor Lopez: On behalf of South Tucson residents, we honor the Tribal Nations who have served as caretakers of this land from time immemorial and respectfully acknowledge the ancestral homelands of the Tohono O’odham Nation and the multi-millennial presence of the Pascua Yaqui Tribe within South Tucson. Consistent with the City of South Tucson’s commitment to diversity and inclusion, we strive toward building equal-partner relationships with Arizona’s Tribal Nations. Amen.

Acting Mayor Rogers: The Mission of the City of South Tucson is to build up this community through mutual cooperation between us, the public servants, and you our citizens so that jointly we can build a safer and stronger City. Amen.

Mayor Diaz: Thank you. The next item is Roll Call (by Ms. Moreno).

ITEM #04 – ROLL CALL

Vice Mayor Lopez. Here.
Acting Mayor Rita Rogers. Here.
Councilor Romero. Here.
Mayor Diaz. Here.

Ms. Moreno: Mayor, Councilor Flagg, Councilor Aguirre and Councilor Valenzuela notified me they are on their way.

Mayor Diaz: Ok, thank you. So the next order of business is the Call to the Public.

Call to the Public

Mayor Diaz: Is there anybody in the public that would like to address the Council? Seeing none, hearing none, we go to the next item, and that's the Mayor and Council Report of Current Events. Does anybody have any announcements to make? No, nothing happening this weekend?

Ms. Moreno: Excuse me, Mayor, did you want to go back to the approval of minutes?

Mayor Diaz: Oh, I'm sorry.

ITEM #05 – APPROVAL OF MINUTES

Mayor Diaz: I apologize. I skipped an item here, the Approval of Minutes of Regular Meeting of May 2nd.

Vice Mayor Lopez: Mr. Mayor, I make a motion we approve the minutes for May 2nd.

Mayor Diaz: Ok, there's a motion.

Acting Mayor Rogers: I'll second but I have something to say.

Mayor Diaz: Discussion?

Acting Mayor Rogers: Yes. Well, the very first part of my 3-ring binder here, page 1 of 2, I'm just going to talk about that a little bit. Tuesday, May 16th, if you flip it over to 2, it looks like it's certified April 14th, 2023, which is over a month ago. I don't think that's correct.

Ms. Moreno: Mayor, if I may, the corrected version was placed in your box and the one I just posted online was the corrected version. I apologize for putting the incorrect one in there. I found out later, so the correct one is in your box. My apologies.

Acting Mayor Rogers: Yes, thank you very much.

Mayor Diaz: Are there any other corrections, additions, subtractions?

Acting Mayor Rogers: Oh yes, the minutes there, first page, Minutes May 2nd, I think it is important for the staff present or like it says, Cesar has been excused. I think, I believe this is right, Veronica Moreno was not here and was excused, because Lourdes ran the thing. Is that true?

Ms. Moreno: If I may, the fact that I was not here does not necessarily mean, because I'm not a voting member, it should still be on the Minutes as excused.

Acting Mayor Rogers: Yeah, I thought it should be.

Ms. Moreno: It's fine. We can make sure we amend it at the wishes of Council.

Acting Mayor Rogers: Ok, thank you.

Mayor Diaz: For the record, Councilors Brian Flagg and Roxie Valenzuela are present now. We are at the approval of the Minutes, and it's been moved and seconded and we're having additions and corrections added to this now. Do you have any additions, corrections?

Councilor Valenzuela: No additions.

Mayor Diaz: Ok, Roll Call (read by Ms. Moreno).

Vice Mayor Lopez. Yes.

Acting Mayor Rogers. Aye.

Councilor Romero. Aye.

Mayor Diaz. Yes.

Councilor Flagg. Aye.

Councilor Aguirre is not present.

Councilor Valenzuela. May I be excused?

Ms. Moreno: Councilor Valenzuela asked to be excused. And for Roll Call, Councilor Valenzuela.

Councilor Valenzuela: Yes.

ITEM #06 - MAYOR AND COUNCIL MEMBERS: REPORTS OF CURRENT EVENTS

Mayor Diaz: Thank you. Item #06 was Reports from Council. There were none.

ITEM #07 - CITY MANAGER AND DEPARTMENT HEADS: REPORTS TO MAYOR AND COUNCIL

Ms. Moreno: Good evening, Mayor and Members of the Council. Before we go on to reports, I would like to introduce Mayor and Council to our newly hired Staff member, Georgie Utusuastegui. She is the face of the City, she works in the front office now, this is week three and it's been really good, so you will see a familiar face down here at City Hall. You have reports here from Josue, the Fire Department, we have a report from the previous meeting on the PAG Project, followed by Chief Denogean. We can hear from Chief Denogean first and then have Josue follow.

Mayor Diaz: Ok. Thank you.

Councilor Aguirre: You're welcome, welcome to our City.

Chief Denogean: Good evening, Mayor and Council, good to see you guys again. We will start off with Fire Department. First of all, I want to say that I was happy to see that the Council gave direction for the City Manager to explore other options, potentially other agencies, and trying to figure out how to deal with the whole situation. I guess that is the way to put it. We continue to have struggles with getting staffing in our Fire Department. On Saturday we had a couple hours where we had only one firefighter in the morning. We did have a couple show up later in the day but again, we had two hours with just one firefighter. This morning, for about a half hour to an hour, we only had one firefighter. We had a couple show up later on, but again, that's time where you only have one firefighter. Yesterday, both fire engines were down for multiple hours, and we had to have mechanics come in. We were able to get the old engine 142 going but we had to take one to the shops. So these are continuous problems that are going to continue keep happening. Our fire trucks are 26 and 22 years old; that's not going to go away. I listened to the City Council and people come in here and talk many, many times about concerns that we would not get as good of service from another agency. I have troubles with that and difficulties with that. It's not because our firefighters aren't good people and hard workers; they are good people and very hard workers. The problem is having the resources to have them here. We have times when we are struggling to get 3-4 firefighters out to calls. If we had another agency out here helping us, we would have full force from that agency, four people on every fire call. If we needed another fire engine truck, we would have that. Here you don't have that. Medical calls, you are going to get the full force of whatever agency you have, and they have the resources to deal with that, and if

you need extra people, you won't have any difficulties getting those extra people. Here we don't have backup resources. We get our one, two or three people and if someone calls in sick, or someone has to go home because of emergency, we don't have people to fill in for those slots. And that is something everyone has to realize. So when we talk about, we are not going to get good service from another agency, I find that not looking at the situation, fairly inaccurate. Those are my words for the Fire Department today. I'm going to talk a little bit about a couple of our problem properties in the City of South Tucson, 305 E. Benson Highway and 3020 S. 6th. For 305 E. Benson Highway from January 1st to April 30th, we had 229 calls there for this year so far. That is a lot of resources being deployed for just that one property. Just last night at about 1:00 in the morning we had an incident there where someone shot someone with a bow and arrow and then stabbed them with that, so that is a problem property that is not going away. 3020 S. 6th, we had 228 calls there from January 1st through April 30th, which is a little unusual because 305 had more calls. It's usually the other way around, but they are both pretty close and both properties are taking up a great deal of our resources. I just want to keep you up to date on that. That's all I have for tonight.

Acting Mayor Rogers: Thank you.

Councilor Valenzuela: Mayor.

Mayor Diaz: Yes.

Councilor Valenzuela: I have two questions. One, can I get a list of all the expenditures that we have had for the fire trucks so far this year? And also, has the property manager or owner, Brian Bowers, been made aware about these calls that are being made to his property?

Chief Denogean: Well, I haven't told him of these numbers, but I am sure he is aware that police are at his properties quite a bit.

Councilor Valenzuela: Who do you guys deal with? Is there a property manager?

Chief Denogean: Sometimes there is a property manager, sometimes there isn't, you know, they don't have a full-time, 24-hour property manager at each property. But there are times when there are people there that we can deal with. He does have people that work at these properties, yes. So, we can go through Finance, and we can get you a record of the amount of money we have put into our fire trucks.

Councilor Valenzuela: Ok, yes, please.

Vice Mayor Lopez: That's a lot of calls.

Chief Denogean: Yes, it is.

Vice Mayor Lopez: For a small little town like ours.

Vice Mayor Lopez: How do we right the situation within our City right here, what type of emergency calls are there, are they like overdose?

Chief Denogean: You have a range of everything; overdose calls, unwanted calls, narcotic calls, domestic violence calls, we've had shootings and stabbings at both properties. You have the full range of all the calls there. A lot of the calls are just minor calls, you know, unwanted people, people trespassing, or saying someone possibly doing something suspicious, so most of your calls are that type of calls, but you get some more serious types of calls. Plenty of overdose calls, and plenty of violent calls over there, too.

Mayor Diaz: Thank you.

Councilor Valenzuela: Mayor, City Attorney Jon, I think it is time for us to look at an option to hold this man accountable, so I would like to request that on the next meeting we discuss options because it seems like it just getting out of control.

Councilor Flagg: That's not a bad idea.

Mayor Diaz: Brian.

Councilor Flagg: So, going along with your presentation on Fire, have you, City Manager, been able to connect with the City of Tucson regarding this issue?

Ms. Moreno: Mayor Diaz, Councilor Flagg, yes, I've already sent a formal letter to the City of Tucson. I did get a response that they would be getting back in contact with me shortly. I don't have the date in front of me, but it was a week after I got direction from Council so I can safely assume they are probably working out a business plan at this point and once they are prepared, they will send me that. I will be in touch with Council regarding that arrangement. Everything we can do at this point has been done. I can start reaching back out to them.

Councilor Flagg: Yeah, that would be good, I think.

Ms. Moreno: I would be more than happy to do that.

Councilor Flagg: Yeah.

Mayor Diaz: Any more questions? Ok, thank you.

Vice Mayor Lopez: Thank you, Chief.

Acting Mayor Rogers: Thank you.

Mayor Diaz: Ms. Moreno, your report.

Ms. Moreno: Mr. Mayor, Councilors, I think it is fair to say as it pertains to these properties, law enforcement is actively involved, Code Enforcement is doing as much as they can, and once we exhaust our administrative authority it goes to the Court, so Code Enforcement has been very active with regard to addressing the complaints that come, they come more frequently than ever now, but it seems we have had an increase in calls to these properties because of the residents. It's something we have seen in the past, but something we are starting to see and hear more often than in previous years. So just as a point of reference. Our next presentation is from here so Planning Director Josue Licea.

Mr. Licea: Good evening, Mayor and Council. I'm going to pass this out, I'm going to try to do a better try to explain the PAG Projects this time, than the last meeting. This is a very brief memo that I put together. I thought I would give you a very, very brief status on the PAG. It's not really of construction, just know that this money is in place for these transportation projects. You have until 2026 to finish them. There are a total of five projects that were funded under the Transportation Improvement Program. So far, one has been completed.

Councilor Flagg: Which one?

Mr. Licea: The first one, TIP ID 1610.

Councilor Flagg: It's complete?

Mr. Licea: Yeah. That was complete, and then on the second page, the one we are working on, the one I mentioned at the last Council meeting, when I brought the PAG Projects up, TIP ID 11307. That project is funded for a total of \$60,000 and it calls for, you notice some planning going on and there's going to be some solar powers, speed alert monitor signs at the northern and southern boundaries and eastern and western boundaries of the City of South Tucson, along 10th Avenue, 6th Avenue, and 29th Street.

Councilor Flagg: So that means that Pima County sends workers down here to do it?

Mr. Licea: No, that means Pima County is not helping out with this project. PAG is actually providing a project manager for this on their behalf to assist us with getting the project procured, like bid it out, to get two contractors. So we will be involved, they will be helping us with the procurement process to oversee the project, yes.

Councilor Valenzuela: And we did go into an IGA with Pima County for a project manager.

Mr. Licea: That is for building related services, plan review and building more technical stuff on the building end. Development services type stuff; this is for transportation projects, PAG, two separate things.

Councilor Flagg: So just to be real clear, these projects were put forward and voted on by the previous Council?

Mr. Licea: Even more so than that, it was a region wide planning process that had probably close to 100, not more than 100 projects in it, then depending on the region, the jurisdictions, there was a big planning process on all the projects and certain jurisdictions got projects awarded to them based on the scope and so on. But it's a regional thing.

Councilor Flagg: So these projects, one of them is completed.

Mr. Licea: Yes.

Councilor Flagg: So they're written in stone and the new Council can't undo part or all of it?

Mr. Licea: Not necessarily. I wouldn't think so, no. If I may ask, what would be the purpose of it? These are transportation improvement projects to enhance the safety and capacity of transportation systems, roadways, bikeways, pedestrian ways.

Councilor Flagg: Well, everybody has different opinions, you know, like one person thinks this is great, other people think that's great, so you know, if we could find something that the majority of the Council likes better, you know.

Mr. Licea: Ok, that's understood, but as far as this goes, the scope of work for these projects is loosely defined as what the title is, yes, it's for those specific projects, yes.

Councilor Valenzuela: The ones that are pending are already in process.

Mr. Licea: In one capacity or another, so those previous to me so they are kind of on standby, meanwhile someone is on board in South Tucson to get these projects started.

Councilor Flagg: So 4th Avenue and 40th Street, intersection improvement. There's nothing at 4th Avenue and 40th except what, it's just south of Micha's, right? It's like a little pad over there. As I sit here, that's not important.

Mr. Licea: Well, yeah, again, I don't have the answers as to how these lists came to be what they are. I am just managing them as it is right now.

Councilor Flagg: Yeah, you walked into this.

Mr. Licea: Yeah. In any case, any specific questions about these projects?

Councilor Flagg: So, there's no way we can undo, for instance, this thing that is pending, the intersection improvement at 4th Avenue and 40th Street?

Ms. Moreno: If I may, Mayor, while I was thinking about your answer, Councilor Flagg, I think the visionary behind that project in the plan, Mayor Diaz and Councilor Flagg, was for the purpose of development on that section of the City. So being that there is a lot and parcel there and to think back when the planners at the time and the former Council were looking at the City moving forward, the ability to have increased pedestrian traffic, to deal with traffic in that area when they were dedicating funding to this project.

Councilor Flagg: Do you remember that?

Ms. Moreno: It was simply because of the amount of property that is open on that side.

Councilor Flagg: Do you remember voting on that?

Mayor Diaz: Not necessarily a vote of a particular issue, it was a vote on development during that time period that we were concerned about and that's how it got added on. I mean, it's not necessarily a vote on that particular issue, but a vote on that development in the whole area that we wanted to improve so it was included and requested and approved and so forth through the PAG.

Councilor Flagg: The PAG process?

Mayor Diaz: Yeah. No, RTA.

Councilor Flagg: The RTA process?

Mayor Diaz: The RTA process and then it goes to the PAG if they have the money for it.

Councilor Valenzuela: Mayor, Planning Director, as we move forward, we as the new Council can request new projects for the City of South Tucson through PAG and RTA Next, that's my understanding, is that correct?

Mr. Licea: Not that I believe so. We can discuss that at another time in more detail and maybe reach out to PAG specifically on that, but as far as I know, right now the only plan process going on for future transportation projects that the City of South Tucson has is the RTA Next. That's the next plan after this and that has not been approved or anything. It is still in the planning phases for the whole entire PAG, it's not just for South Tucson, for the entire region, Pima County.

Councilor Flagg: Then it has to be voted on by the voters of Pima County to make it happen.

Mr. Licea: Yes, correct. Just as these projects, these were all approved by the voters back then, yes.

Mayor Diaz: Let me add, then, the fact that Angel Lopez has requested that 10th Avenue be I guess looked at because of the separation down the street, the separation of the pavement, because every time it rains, the water seeps into those separations and separations cause weakness under the bottom and potholes will start happening on 10th Avenue. And he requests it because he keeps requesting it through other administrations that 10th Avenue be looked at. I informed Karen Karr as to, hey, we're just going to look at it, see what it is, we're going to pass it on and let the RTA or whoever is going to be responsible for it to investigate it, look at it, determine if we are right or they are right, and then they come back and say ok, it's a feasible thing, we look at it and discuss it.

Councilor Flagg: Yeah, but that would be for RTA Next, right?

Mayor Diaz: No.

Councilor Flagg: That will be years and years.

Mayor Diaz: No.

Acting Mayor Rogers: Ok, Mr. Mayor, he's had a question for a long time, but you don't look to the left.

Mayor Diaz: Hang on a minute, though. The process is, you know, each step but somebody has to initiate it. Right now the Public Works Director has indicated that it be brought up as an issue to pass on to be looked at and report back to us before anything is done.

Councilor Flagg: Where would the money for that come from?

Mayor Diaz: It all depends. If it can be done, if it's put on the current cycle of funding, or if it's going to be a TIP, which is Transportation Improvement Project, or somehow Pima County comes up with the money, or the RTA comes up with the money. There's no definite time period unless it's an emergency to do it.

Councilor Flagg: But the RTA is doing, they have this list of projects, and they don't have enough money to finish all the projects, so they've had beef with the City of Tucson, so they don't have money until RTA Next.

Councilor Valenzuela: Mayor, my understanding is that Mayor Diaz is saying there is funding through PAG, it just has to go through a process so they can provide us with funding for certain projects under different entities.

Mayor Diaz: That's correct. Thank you.

Acting Mayor Rogers: You're skipping him now.

Mayor Diaz: I'm sorry. Vice Mayor.

Vice Mayor Lopez: Councilor Flagg, I'm just curious why you are more or less concerned about some of these issues that have already been more or less like in concrete already and whether you want us to cancel them or want to do something with them, when, just leave them alone. They will take their own course eventually.

Councilor Flagg: That's not why I ran for Council. I ran for Council to make changes.

Vice Mayor Lopez: You can't make changes.

Councilor Flagg: Excuse me, you're interrupting me. I ran for Council to make the City as good as it could possibly be and you know, on issue A, B or C, you have one idea, I have another, then we discuss it, and there's four votes.

Vice Mayor Lopez: If you understand the process of how the PAG and RTA works before you start questioning the things as to how they work.

Councilor Flagg: I don't think that's

Mayor Diaz: Excuse me, excuse me, excuse me. I think the discussion has already stated the fact that where we are in regard to the PAG/RTA but if you feel some of these projects be defunded as far as giving the money back to the RTA and let the RTA use it wherever they want to, it's kind of, that's your idea.

Councilor Flagg: That's not what I'm saying. I'm just saying, like, what transportation projects would better serve the citizens of South Tucson. Maybe on free transit, like the RTA money going into free transit would benefit the people of our City more than some of this other stuff. But it is something we should ask questions about. I encourage everybody here to ask numerous questions so we get a better understanding, and figure out, like the limits of what we can push and accomplish.

Mayor Diaz: The City of Tucson has already indicated free transit to the end of 2023.

Councilor Flagg: Now that, they need money from stakeholders to make it happen, you know, that's just one for instance.

Councilor Valenzuela: Mayor, if I may. I believe that Council Member Flagg is questioning if we can get funding for other projects that we see necessary now, not that were approved 25 years ago. So where can we get funds? Can we exchange some of these projects that I think are needed now as we evolve or is there money in PAG for us to push other projects along. And as newly elected Council members I think we have the right to ask these questions.

Councilor Flagg: Hell, yeah.

Mayor Diaz: I agree with that, but

City Attorney Paladini: Mayor, may I make a suggestion since this is a report, this agenda item is a report, if Council wants to ask Staff to bring back more explanation or details about how the process works for getting external funding for streets or roads, which is capital expenditures, you know, there's a whole different thing than operational free transit or whatever. That might not even be available but that would be something to specifically request be put on a future agenda so Staff can be prepared, and the public also knows what is going to be discussed, because we are getting a little over far field on the agenda item.

Mayor Diaz: Ok, thank you.

Councilor Valenzuela: Thank you.

Mayor Diaz: So it will be requested future agenda item to funding request and also to add to that, if you have concerns or areas that you would like to address for the RTA or the PAG, to bring them up at that time also for discussion or direction. Thank you. Are there any more reports?

Ms. Moreno: No, Mayor, thank you.

Mayor Diaz: I would like to add to the reports is that I guess Representative Grijalva, or Congressman Grijalva has issued quite a few items for requests for grants, and they are on my, I think I forwarded them to you as an email, and also the Tohono O'odham is requesting for RFP's and some of them are due next month. So keep an eye out on those and if you have suggestions or look at them, bring it up to the Manager to see what we can do or how we can request them or if they can be requested. Thank you.

Ms. Moreno: Thank you, Mayor. Those two items have been sent to Staff so that we can come back to Council and advise you what we are planning for. If there is anything specific you would like us to request, please let us know.

Councilor Valenzuela: Mayor, I just have a question for City Manager. Have you looked into getting a grant writer, like on an as-need basis?

Ms. Moreno: If I may, Mayor and Councilor Valenzuela, I haven't gotten a person specifically for that. However, the other person that is not here this evening that we have hired does have grant writing skills, so that person has already been tasked with looking at these two grant opportunities and applying on our behalf.

Councilor Valenzuela: Thank you.

Mayor Diaz: Any more discussion? If there's none, we will go ahead and proceed to Item #08.

ITEM #08 - PRIMAVERA - PRESENTATION

Mayor Diaz: I'd like to call Primavera for a presentation.

Ms. Tallman: Thank you Mayor, Vice Mayor, Council members. It is a pleasure to be here. I am Tisha Tallman, CEO of Primavera Foundation and you will see some, these look fancy, but they are not, I actually did these myself the first few weeks I was in town. But the data there is quite solid, and it explains what we did over the last two years and since I came on in September, we've done quite a bit more and specifically in regard to South Tucson. So I am very happy and excited to be able to tell you about some of the things that we are doing. But I first just want to give a basic overview of what we have done. This is our 40th year that we have been serving the community and that we have been specifically in South Tucson, so we are very proud to have the ability to be able to do important work in this great City. I want to draw your attention to a couple things and introduce, we have quite a few people here from Primavera, and two of my senior leaders specifically, Tamara Prime who is our COO. She does the emergency services, she does a lot of the programming and services that we have at the shelters and transitional housing as well. I will go into that in a little bit. We also have Brian McGrath, he is our Chief Property and Asset Manager. His team is involved in all the Safe and Affordable Housing units that we have. And then Ana Joaquin, she's our Public Policy Advocate, and that is a position that I just created since I've been here. So you may see her in your meetings, and she goes to quite a few other meetings so we stay informed, so that we are serving our community. And then Julissa is also here, she's also with our Communications Department and she is just documenting this so we keep it along with the rest of our history. So a couple things I will highlight is, on the emergency housing side, we do have Family Pathways, Casa Paloma that serves women, and the men's shelter. So in total we have, if I did my math correctly, 224 emergency shelter beds that we currently have individuals that we were able to serve in need of emergency housing. That also comes with emergency services, so we offer case management. Some of the things we are able to provide are laundry facilities, showers, clothing, resources through case management, respite at Casa Paloma which also serves as a hospitality center. We have food boxes, hygiene items, pet

supplies, then also at HIPP, Homeless Intervention Prevention Program and the Resource Center, we were able to provide a Post Office. We have about 2,000 individuals who utilize the Resource Center as their post office, so they are able to receive benefits in the mail even if they are unhoused. In addition to the emergency services, so I mentioned the Family Pathways, the shelter at Casa Paloma, the Homeless Intervention Program, Rapid Re-housing and Family Pathways are all run out of the Resource Center and then we also have our Project Action for Veterans, which is one of the largest programs we have at Primavera, and we have a number of office with various employees from Primavera that services the Veterans in a very comprehensive way. We also have Community Building Engagement, some of which I am sure you are familiar with, with our community gardens, youth empowerment program, community events, neighborhood clean-ups, then civil rights restoration. That is going to be something we are going to be convening on here soon as well. We have had a long-time relationship with the University of Arizona Law School and their restorative rights clinic. One of their emeritus board members actually supervises the clinic over at the University of Arizona Law School and has been a longtime supporter and also provides those services to our participants in being able to restore their civil rights, participate in expungements and other things that serve as barriers to them being able to be employed and being able to receive the housing. We also, you just met Ana, Advocate for Public Policy Advocate, just putting some new energy in, actually devoting resources to our Safe and Affordable Housing units, which Brian has his teamwork within, and it also has residential services. And so a few of those properties are actually in South Tucson and that would be Adelante, Las Abuelitas, and also we have a home that we constructed a year ago, a single family home, first time home buyer that went through our home ownership and financial education program, and then we have two homes and a duplex that we actually built in South Tucson. In addition to all that, we have additional properties in Tucson, Five Points, Catalina House, Los Arboles, limited transition which is another facility for women who are in need of housing and services. And then we also have workforce development, so in addition to assisting folks who may have difficulty in eliminating barriers for housing, we also have the ability for them to get work and to get trained in work through Primavera Works. We are very proud of that program because it's not only a place where people can go and get work, for instance, for longer than a day labor position, it's actually temporary work that they also receive job training and the ability to pursue work later on. And then we also, of course, cover home ownership financial education program. This is a wonderful steppingstone to individuals being able to buy their first home. And when there's been, as we all know, scarcity in affordable housing, we have been in a position to be able to build some of the homes that individuals qualify for, provide down payment assistance, and then for individuals who are in homes and finding it difficult to stay in their homes, we have been able to provide rental assistance and utility assistance. We are very proud of those programs as well. I did also want to state that this impact report that you are looking at is over the course of two years, so last year we probably served about 8,000 individuals, many of whom are directly from South Tucson, and when we say we service those individuals, it means we actually touched them in some way and provided something for them. And with that, I am happy to answer any questions. I also did want to note that a couple of our priorities for this year, is we were just fortunate enough to receive a good portion of Seed money to start a mobile outreach unit. So while we bring in El Rio, El Rio is a very important partner for us in our emergency services, to provide healthcare and to provide mental health care as well, that they have mobile unit themselves, and they go out and help them where they are. We currently have services where people come to us but now we are able to meet people where they are and also participate in the mobile outreach effort. We are very excited about being able to provide that service to all of our neighbors as well. There is another bit that I think would be specifically important for the Council to hear, is that we have this vacant lot that is actually at the training center, we have 151 West 40th Street. So we are right in with Food City, that's our training center and that's

where our administrative offices are. We have a vacant lot that is beside us that actually buffers as one of the active trouble child properties that the Chief just talked about here today. We are actually looking into ways we can develop that. We know there is a huge need for transitional housing. We know there's a large need for aging population and we are looking into various sources and some sources come to us about doing something with that vacant lot, which actually, we think would be a great addition to that area, to be able to bring in some services in that particular area, specifically gardens and it will be right next to where we are every day. So those are the things I just kind of wanted to highlight. You are welcome to ask any questions of myself or any of our leaders here today.

Mayor Diaz: I have a question. Do you not have an online school, high school?

Ms. Tallman: No, that's a different Primavera.

Mayor Diaz: Ok.

Ms. Tallman: It's a branding issue, we need someone on that.

Acting Mayor Rogers: I didn't know that.

Councilor Valenzuela: Mayor.

Mayor Diaz: Yes.

Councilor Valenzuela: Thank you, Tisha. Are you interested in buying the Sixth Avenue Suites, is that something that Primavera would be interested in doing?

Ms. Tallman: We definitely have been monitoring the situation. Certainly if we have an opportunity to purchase in South Tucson, we are open to that most definitely. We believe that our properties have been a very positive force in the community, and we would love to, we would be honored, to be able to continue that reach.

Councilor Valenzuela: Ok, thank you.

Mayor Diaz: Thank you.

Vice Mayor Lopez: I have a question.

Mayor Diaz: Yes, Sir.

Vice Mayor Lopez: The new garden across the street from where I live, the triangle little part, do you see a day when you might get it a little bit cleaned up and turn it back to the community?

Ms. Tallman: Yes, that particular garden was on hold for a while, as you know, and we have gotten the go ahead to go ahead and start allowing folks back in and doing some programming. It will become a part of our gardening program since we have a number of them, and we have a specific person who is on our staff that does the gardening workshops. So I will personally follow up with you, Vice Mayor, and let you know. I appreciate it, and I appreciate your presence and all the things you and your wife do in that particular area right by that garden.

Vice Mayor Lopez: I live over there but thank you very much.

Ms. Tallman: Thank you.

Mayor Diaz: Are there any more questions? Thank you.

Acting Mayor Rogers: Thank you so much.

Ms. Tallman: Thank you for having us.

ITEM #09 - STUDY SESSION: OPEN MEETING LAW TRAINING

City Attorney Paladini: So we are going to talk tonight about Open Meeting Law, pretty much a bunch of rules and most of the rules are don't do this, and don't do that. And then if we have time, and I think we will, Manager asked me to kind of touch on the Code of Conduct for the Council, kind of as a reminder. I think you have a copy there. I don't have a power point, but if you look at that first slide, just remember the whole purpose of government is to do business in public as much as possible. That's why we have open meeting laws. Some places call them sunshine laws. I always like to say the best disinfectant is sunshine, that's why we do our government business in public each day that we can. There is one exception for that. Next slide. So you have to remember, there are seven Council members, four is a quorum, four is the majority. So four of you cannot communicate about City business outside of it.

Councilor Valenzuela: Excuse me, can we dim the lights, I have a huge glare and can't see it.

City Attorney Paladini: It's better with dimmed lights.

Councilor Valenzuela: There you go.

City Attorney Paladini: Next slide, please. So if the Council attempts to have a meeting and only three show up, we don't have a meeting, we call it quits, and we all go home. We can't have, can we just discuss the item? The whole idea is to avoid that, to avoid potential problems in the future, so if you don't have a quorum, there's no meeting, and everybody goes home, and you reschedule the meeting. Next slide. So what has to happen to have a meeting. You have to have a notice and an agenda. That's your Manager/Clerk's function to provide that notice and agenda and as you have noticed when the agenda says, the agenda is intended to give the public kind a reasonable understanding of what is going to be discussed. So when we have staff reports, the whole idea is sort of generic or general staff report and it's fine to ask questions, but I noticed earlier we started to go a little bit more into a discussion/debate so we want it just put on the agenda so the public can participate too if it's something important. And then, so your staff basically takes care of this, and we can't have a meeting except if there's an emergency, the agenda has to be done at least 24 hours in advance. We prefer at least a couple of days just so the public can have access to it, too. Next slide, please. Ok, one of the exceptions is if you can adjourn a meeting and set a date and time certain to continue a meeting, then you don't have to republish the agenda, although we still advise to do that, especially now a days. If you remember the statutes were created pre-internet, so it's a lot easier to communicate with people, versus before you had to manually post in three places around the City. Next slide. Who is subject to the open meeting law? Council obviously. If you were to form a subcommittee, that subcommittee would be subject to the open meeting law. Your Planning Commission, any special committees, if you have a Parks and Recreation Commission, whatever public body that is the Council or the Council appoints as a commission or committee or board, is subject of, needs to follow the same rules. What is not subject to it is if the staff has an internal meeting, let's say on budget preparation, that's not an open meeting law because those aren't public bodies, that's your staff working. So those would not be open meeting law. Next slide. So what can you do at

an open meeting? You can meet, you can discuss, and you can take legal action. When we talk legal action, we are talking about formal decisions made to go do something, to vote for ordinance, to approve a resolution, to direct staff to negotiate an IGA, for instance. So those are things you can properly do in open meeting. Next, please. Ok, so we talked a little bit about Exec Sessions, you are familiar with those. So it's not really in the statute but it's a good practice that if you ever want to do an Exec Session, you should always have the attorney involved in making that decision because you want to make sure that what you, the reason that you are going into the Exec Session is one of those allowed by statute, and right now I think there are eight basis or reasons why you can go into Executive Session. Primarily, these are four of the most common: personnel matters, discussions of confidential information, legal advice is a very common one, discussion of settlements or contracts and negotiations. Another one is discussion to instruct staff in negotiations with an Indian Tribe or Nation. There is another one for unions, for example. Basically, it's all the stuff that you don't want to do in public to show your hand, you know, if you are negotiating a deal to go buy a car, you don't want to sit there with your spouse and say, let's offer them \$25, but I'll give them \$30 and the salesman is sitting right there, going, what an idiot. You don't want to do that. Obviously, we don't want to do that in public so that's why you have those Executive Sessions. Next slide, please. So who can attend an Exec Session, and I'll just qualify, there is really no reason for any other body, other than the Council, to go in Exec Session. It's very, very rare and I would just discourage that. So, who could be in the Exec Session with you? Obviously, you as the Council, me as the attorney, your Manager, and then only staff that is necessary or needed for the topic at hand. So there are times where you might have one or two items on your Exec Session agenda, and you will see finance people coming in for the first topic and then the finance people leaving, then your public works people coming in for the next topic. So, you have to swap out; you have to have as few people as possible for that Executive Session. Next slide, please. Remember, what goes on in Executive Session stays in Executive Session, it's like Las Vegas. You cannot tell people, you cannot talk to anybody about what was discussed in Executive Session, or if we hand out documents in Exec Session, we usually like to collect those back up just so they don't get left somewhere so someone could see, but if you do keeps those, you have to keep them as confidential. So make sure that information doesn't get out. We can't make any decisions in Executive Session, you can give direction, but you can't make a decision. You have to do that in public, so the difference is, let's say you are negotiating to buy a piece of property. You can direct staff to go negotiate to purchase the property and offer them this but go up to that. That's direction. Let's say a seller agrees to a price, well, the deal's not done yet. That has to be brought back to Council in an open session to be approved. Yes, Sir.

Mayor Diaz: When you say, talk to anybody else, does that include us, between each of us that we cannot talk what happened?

City Attorney Paladini: Well, preferably, well, you can, preferably you don't after the Exec Session because, we're going to get to that, you want to avoid having discussions amongst yourselves to avoid open meeting law violations. And then you also have to be very careful about where you are having these discussions. So in the world of classified information, you get what's called spillage. That's where people who are talking about things that are supposed to be confidential or talking out in public or at a Starbucks or a restaurant, and other people can overhear that. So you want to be careful in two ways: you don't want to have an open meeting law violation of talking to too many people outside the meeting, and you also don't want to be talking about the confidential information, you don't want to talk about that in a public place where somebody could overhear. So we will get to the question of how you could violate the open meeting law just by talking to one person. It actually works or happens. Next slide, please. So, legal advice is just advice from the lawyer so it's

pretty straightforward. In almost every Executive Session there will be some form of legal advice, even in a transaction, like a real estate transaction. And that's always going to be one of the reasons you are going to go in Exec Session is legal advice and something else. Next slide. So now we get into the don'ts of open meeting laws. So out of Executive Session, these are the things you don't want to do. You never want to poll other Council members how you are going to vote, how you are going to vote, how you are going to vote. For a couple reasons, one is you don't want to talk about what you are going to do outside the open meeting, and two is, you should try to avoid making your decision until you hear what the presentation is, whether it's staff or the public. Keep an open mind when you're coming in. You may not be opposed to voting one way or another, but never fully commit yourself, don't get entrenched in your position at least until you hear what everybody has to say. Limit your discussions so, ideally you don't talk about any City business with any other Council members until you're on this dais here. It's not 100% but it's preferred you limit it as much as possible, so you don't have those discussions amongst yourselves. Try to avoid sending emails, please, never, if you get an email, do not reply all. If you get emails from staff, if you want to reply, yeah, I'll be there, just get out of the habit of replying all because it's too easy to hit reply all and then send the message and have a meeting essentially with the rest of your Council because you sent a message that replies to all. If you have information for the other Council members, use the staff to distribute it rather than going out and handing it to people, to other Council members, because it's too easy to go, hey, I want you to read this, and then say, this is a really good idea, I think we should do this. And so you are suggesting an outcome outside of the meeting, so you want to try to avoid that. Let staff distribute materials you may have, and we will get into it a little bit more specific. And again, when there's not four of you, you have to cancel the meeting. Next slide. So we talked about polling, and we talked about discussions and deliberations if you have less than a quorum, and the reason we do that and we will get to that, it is easy if you have three people having a discussion, you're not a quorum. But if one of those Council members talks to a fourth person, it could constitute a meeting and we will talk about that later. Next slide, please. So this is where it happens. You could have a meeting, remember the old game telephone, where you go down the line. Herman would say something, then Roxie would say, what was the message, and it would kind of change. That could be a meeting in the open meeting law if one to the other, to the other, and once you get to four, that could constitute a meeting. So Vice Mayor says, I want to vote, or I think we should do this, and it gets passed on to four people, that's a quorum and that could constitute a meeting in violation of open meeting law. So we have to be careful about that. We talked about polling. Hub and spoke is where one person goes to each other Council member and that could constitute a meeting in violation of open meeting law. And then (inaudible) is sort of the same as serial communication, one after the other. Next, please. So what can't you do outside the meeting? You should avoid discussing topics that are going to be on your agenda or maybe likely down the road will be on your agenda, you should certainly avoid deliberating, debating between each other outside of the meeting. You should certainly avoid taking legal action, which means making a decision or agreeing to make a decision. And again, that's the back and forth you want to avoid, and this is not only things you know are on the agenda but that you could reasonably foresee come before the Council. For instance, if you are going to talk about the Suns and who the new coach is going to be, that's fine, because this Council is not going to make that decision. But if you are going to talk about road projects or transit projects or development issues that are in the City, those are things you want to do in the meeting to avoid doing outside meeting. If you are talking about development projects in Tucson, that's different. That's not something you're likely to have input on or decision making. You might, so you kind of have to just know where the line is drawn. Next, please. So we talked about proposing legal action is just if you put forward a proposition, I think we should do this, I think the City should do this, I think we should go in this direction. You want to avoid that as much as you can

outside of the meeting, outside of the topic that you have on the agenda. So you should not be proposing legal actions or decisions or certain outcomes that you would like to see amongst your fellow Council members. Next, please. So here are a couple examples. Council member Smith was (inaudible), perfectly fine, not proposing legal action. We should, good example, install a crosswalk at First and Main, that is proposing action that you think the City should take. So that is something, assuming it is a Council decision, that should be something that's put on an agenda then debate it amongst yourselves in public, for the public to hear and to even contribute, to comment on, then you can make your decision. Next please. Again, a couple of examples, Councilor (inaudible), that's perfectly fine, but this is where you are not the Congress where you can do deals in the back rooms. You can't trade votes. You should not be talking about, If you vote for mine, I'll vote for yours, it should all be done up here in the open cleanly. Next, please. And now again, this is a good example. So this is where you might have some information from another city or town that says you like the idea, and you want to share the information. You can share it with your other Council members, preferably through the staff so they can hand it out, email it out. Nowadays you're really emailing things out, but you want to avoid that second comment. Hey, here's some information, I like this program, we should do this, yet you are suggesting that conclusion legal action outcome and you don't want to do that because we run into that. Remember, two people have communication and each of those persons goes and talks to one other Council member for each, that's four. That's potential of an open meeting law violation. And this is not mathematics, it's not black and white. What I am trying to tell you is just be really cautious about the open meeting law and try to do all the business in public, try to avoid violation. Try to avoid the complaints because they can come, and they can come pretty quick if you guys make a decision that some of the public doesn't like, and they also heard you having a discussion at a coffee shop, all of a sudden you're going to, you can't, they didn't get the vote they wanted so now they are going to file complaints against you. It happens all the time. Next, please. These are a couple more examples. This is a terrible example for Veronica, but I like using it for other City Managers. I like Veronica. Anyway, so this isn't a good one. If you want to put something on the agenda to discuss the Manager's performance, perfectly fine, but don't suggest the outcome. Next slide, please. So facts and opinions are the same thing when it comes to City business. You should do it all at the Council meeting in public as much as possible. And again, I'm just trying to stress the purest way to do this. We are never going to be able to do it 100% right and that's perfectly fine, and if you make a mistake or you do a conversation, let me know and we can share the problem before it goes to the Attorney General or worse, the media. So just kind of make sure you avoid those discussions. Next, please. We talked about serial communication, one person to the next. Next, please. People don't write letters anymore, I don't think, but email chain or exchange can be a meeting. It doesn't have to be all at once, it can be sequential, back and forth, so you don't have to have that in person meeting, you can have an email exchange, you can have a combination of email exchange and then two people talking, from the email, so you just want to avoid that. It doesn't require simultaneous conversation. Next, please. So email is dangerous, nothing you can do in person you can do in emails. You can't use email to avoid what you can't do in person. I think I said that right. Next, please. So we talked about this, again, do not reply all for anything. Just get out of the habit when it comes to Council member emails. And even if, say a member of the public emails you all suggesting something. Even replying to the person, hey, thanks for the information, that's a good idea, we'll look into it. If you hit reply all, you might have created a meeting, it's that simple, it's that easy to violate open meeting law. Again, it's just one of those things you have to be really careful to avoid that as best as you can. Next, please. And don't, it's fine to ask staff to distribute information for you, but don't use staff to try to circumvent the open meeting law. Don't use staff as your fire, as your motive to get information because you are putting staff in a terrible position and you are still violating the open meeting laws, and that's you, it's on you. Next, please. So we

talked about that a little bit. Next, please. Ok, so this is where it gets a little tricky is internet. If you use Twitter or Instagram or Facebook or TikTok or whatever, you know, it gets a little tricky because a lot of people use that to post things. The law has not caught up to technology, so the law has not determined whether or not if you post something on your social media, and you have two or three other Council members who are friends or connections or what have you, and they read that, does that violate open meeting law? The law is not 100% sure, so what do we do? We err on the side of caution. We try to avoid publishing those things on our social media if you have it because it can create a potential problem. At some point in the near future, I would guess Court cases will happen where there's a definitive answer. I will tell you my bet is that social media will be treated just like email, in terms of you can't use it to circumvent open meeting law if you are communicating with other members of your Council. There is a little bit of a distinction that social media can be open to the public, it is not as private as an email, but you could still privatize your social media by only allowing certain people follow you or whatever it is that people do on social media. By the way, if you are using your social media as an elected official, even if it is your private one, be very careful about calling it Council member so and so's Instagram because it could become a public forum that all of a sudden you have to allow people to communicate with you, even though you don't want to. And we've heard, we've seen problems of President Trump did that, he got shot down by the Courts. Congressman Gosar from Northern Arizona did the same thing. He got shut down by the Courts. So if you are using your social media as your formal or elected official social media, it has the potential of becoming a public forum, which means you have to accept all the comments people have to make to you, even if you don't like them. Next, please. Again, I would treat it like email, that would be my recommendation. Next, please. We talked about this a little bit, it doesn't really, again, it hasn't been formally decided, but I would err on the side of caution on it. Next slide, please. Don't use your staff to violate open meeting law for you because again, it's on you, and it's on them, too. So, they can get sanctioned. You don't want to put staff in a bad position. If you are going to try to violate open meeting law, keep your staff out of it. Next, please. Ok, we're going to talk about the Code of Conduct. When you are on the dais, it's best to avoid passing notes to each other, whispering to each other, using your phone to text, or whatever, on there unless it's really important because it looks like to the public, the public can't tell who you are talking to when you're passing notes or when you're texting or when you are whispering to each other. The public has a hard time hearing that so you should avoid doing that. Should you have a comment, wait your turn, make the comment rather than whispering to each other because the public should be able to hear what you want to say and all the rest of the Council members should be able to hear what you have to say as well on the topic. And so the other thing is, and this is real common, after the meeting is done, all of a sudden the Council is all buddy-buddy, they are all talking to each other about things, you know, and you've just got to be careful to make sure that you're not talking about City business after the meeting is over and you four are sitting up there talking about something, but here, I haven't seen it as much of a problem. In some places the public thinks they are talking City business after the meeting, so the public tends to be suspicious of government, go figure. Next, please. Ok, social events. It's perfectly fine. We tell you to avoid gathering together and talking about government business, City business, when you are not at a meeting, if you're at a social event, it's perfectly fine to socialize with each other if you get invited to, say, some place, State of the City luncheon, the City gets a table, that's fine. Try to avoid talking City business at the table, at least this City's business. To talk about the other city's business, for instance perfectly fine. And if you are at a social event or a special event or something, and you see each other, it's perfectly fine to have conversations. Try to avoid talking about City stuff. Have fun, avoid it, you have plenty of opportunity to talk about City stuff during the meeting. Next, please. You are allowed to give a speech at a community event on City business. Oftentimes the Mayor is asked to do a State of the City or some other event where one of the

Council members are asked to speak, that's perfectly fine to do that, but you want to make sure that Veronica knows so that she can post what is called a courtesy agenda or courtesy notice that there might be a quorum of the Council present at such an event so that the public knows that there might be a quorum and there might be some comment about the City or City business, but no decisions are going to be made so that helps a lot to avoid the problem. Next, please. There is one exception to the open meeting law, we talked about emails and social media, is talking to the media itself. There is a First Amendment right for you to go and talk to the media and make your thoughts known on whatever topic is going to be discussed at the media, the TV reporter asks you something that is going to be on the agenda later this evening. Perfectly fine to tell that person what you think because that is your First Amendment right to do so. But again I would just suggest, and we will talk a little bit about process or some of the rules for doing that when you get to the Code of Conduct, I would still suggest that it's best if you not, if you can avoid it, not entrench yourself in a position, especially like on a controversial topic that the public might come out and talk about, an applicant might talk about, because if you've already made the decision, I am going to vote this way, it kind of shows you don't have an open mind, so I would try to avoid that as much as possible. Next, please. These are some quotes Abraham Lincoln said, don't believe everything you read on the internet just because there is a picture. Get it? Reporters are human beings, they are not perfect, so if it's print media, they are probably going to misquote you, and if it's radio or television and it's not live, they are going to edit you down. So what you mean to say you take 25 seconds to say it, they are going to cut you to like 14 seconds and you may come off sounding either like an idiot or like you don't know what you are talking about, or they may even create an impression that you are actually for something when you are against it. So you just have to be really careful about talking to the media, particularly if it's a short, quicky interview kind of thing. Next, please. So, I'm kind of wrapping up, so what can the public do when it comes to a meeting? They can attend, they can listen, they can tape record, they can videotape. When they're having video or audio taping, they can't interfere with anybody else's ability to see, so cameras should be set up in the back if they decide that. The public, we typically say, when a public speaker comes up and you ask them for their name and address, they can say, I'm Humphrey Bogart. You can't require them to identify themselves. You ask for the record, the person refuses, that's perfectly fine, you still allow them to speak. Next, please. Ok, so what the public does not have a right to do is actually speak on an item unless A, it's a public hearing which is different than an open meeting. A public hearing is a specific type of open hearing. You can't disrupt, so if the public starts disrupting the meeting, the best suggestion is the Mayor or whoever is running the meeting to take a break, try to calm the person down, or the person needs to be removed, that's fine if they are really disruptive. I've had Mayor's just adjourn the meeting, we're done, and everyone's looking around, we're done with the meeting, right? No, it took fifteen minutes, so that happens if people really get unruly. So you can't do that, because the meeting should be done with some decorum and debating without anger and commotion as much as possible.

Councilor Flagg: Can a Mayor, like does the Mayor have to get the four votes to adjourn or can he just do it?

Mr. Paladini: No, the Mayor's role typically is to be able to adjourn the meeting. I know your process here allows you to, your process here is you get votes to adjourn, but typically the rule is the person running the meeting has the authority to adjourn the meeting, to start the meeting and to adjourn the meeting. So your process here is you ask for a motion and votes to adjourn. I always wondered what would happen if nobody made the motion and nobody voted; you would be sitting there all night long.

Councilor Flagg: Are other small cities, do you know, different?

Mr. Paladini: Some places Mayor just adjourns it, pro forma, in other places it's a motion to adjourn, you know, it's one of those things where, I would not recommend just adjourning the meeting if somebody's getting unruly. I would, you know, take a break from the meeting, let the Chief talk to them about being unruly and you keep doing this, we're going to ask you to leave, or you will be here tomorrow for court. Again, when in doubt, just try to err on the side of openness and caution and avoid, like I said, emails and all that stuff, to avoid even the appearance you are violating the open meeting law because the public likes to believe a lot of stuff and the minute something goes up on Facebook, and we all know this, somebody reads it, all of a sudden, it must have happened, it's on Facebook. And 90% of the time it is not. Next, please. So that was it for that. Any questions so far? Ok, real quickly, I just want to point out to suggest that if you haven't read the Code of Conduct, kind of refresh yourself on it. I'm going to hit some highlights on it for the Council. This was adopted in 2019 so it is still in effect. You have the authority to make changes to it if you would like, but in the meantime, these are the rules of the game. So the great message here is constantly, consistently through all the conduct guidelines is respect. We want to have a civil discourse, have a civil debate, try and check our emotions best we can, and I know things get emotional every once in a while, but civility and decorum are preferred in that, you know, try and do your best to do that. Another one of your rules is treat staff as professionals and I see that, and limit, this is during the meeting, treat staff as professionals. Another one is, outside meetings, you should try to limit your direct contact with City Staff, particularly in terms of giving direction. Now, this is a small staff, and I don't think Veronica has a problem, tell me if I am wrong, if you want to ask staff directly for information, but it's a nice courtesy to let Veronica know that staff is being asked to provide information by an elected official. Particularly email, copy the Manager on it just to say, just so that everybody is on the same page in terms of requesting information. And this other rule, try not to be involved, or avoid, I should say, being involved in administrative functions like hiring, firing, discipline, those kinds of things because as a Council, when you make decisions up there you have what's called legislative immunity. When you make these legislative decisions, you are immune from being sued if people don't like the decision. If you inject yourself into the administrative level, Manager or Department Head level decisions, you are losing that immunity. So, if something goes haywire, take an unemployment matter, you could get brought in as a party because you do not have that immunity because you are not acting in your legislative or Council function, you are acting administratively. Another one is if you want to attend a meeting, Staff meeting, make sure you ask first, don't just show up because, there's no disrespect, but staff sometimes has a much more open discussion amongst themselves and it's not rude or critical and when an elected official shows up, the whole tenure of the meeting changes. It's nothing personal at all, it's, oh, there's an elected official so now I have to act like an adult. So if you want to attend a staff-type meeting just make sure you ask whoever is running the meeting in advance, like, hey, is it ok, I'd like to hear more information about whatever it is that you're talking about so they can prepare for it. Dealing with the public is another one. When the public speaker is presenting, or presenter, you can certainly ask for clarification, but I suggest avoiding debate with that public commenter or that public speaker. Don't argue with the public member. Let that person have his or her say. If you don't agree, fine. It's that person's opportunity to try to convince you to vote or to decide one way versus another way. When you are not in the Council, you're not in a meeting, if you are talking to the public, don't promise anything that you can't deliver. I mean, you're one vote so you can say, I'll bring this to the Council's attention, I'll put it on the agenda, but don't tell somebody, yeah, we'll get that done, don't worry about it, because you may not be able to get it done and the public is disappointed. When you are also in public talking with members of the public, if you have a personal opinion about something City-wide, make sure you make clear to the person, this is my opinion, I'm not representing the City or the City Council, especially if you are the minority of the decision. If there's a 4 or 5 to 2 vote and you are in the two, if

you are going to comment on that to people in the public, make sure it is clear to them that the Council voted one way, I disagree with them and here's why, my personal opinion. Same when you are in a regional meeting or some other groups, when you're talking to groups, say, Pima County group, if you are there representing the City, you should represent the City Council's majority position. Even if you disagree with it, again, you have to sort of swallow your pride and say, this is the Council's, this is the City's direction, this is the City's position, and if you didn't vote for that and disagree with it, one thing you might want to do is ask somebody else who voted in majority to attend the meeting in your place, if you can't do, if you don't have the willingness or ability to represent the City's position, if the Council voted, the majority rules. Just be aware of that so it's clear about what the City's position is versus your personal opinion. Sometimes it can get confusing, particularly if you don't have 100% consensus. Those are things in correspondence, say emails, there's that rule that you have and it goes into talking to the media, same thing, you can express your personal opinion; I disagree with Council, I think we should have gone the other direction, I was the one who voted no, or whatever, but make it clear it is your position and that the City Council voted a different way. And last but not least, do not talk about staff employment issues to anybody outside of the City because you could, if you say something wrong, you could cause defamation of an employee, for instance, and you didn't intend it, it just came out wrong, so employment issues tend to be confidential for the most part but by the employer, by the City, so we try not to talk about City staff issues, people leaving, terminated, retiring, quitting, whatever. We try not to talk about those things except in terms of when asked why did somebody leave. The best answer to most questions is, I don't know. That's how you survive in the military, I don't know. Anyway, so just kind of get yourself somewhat familiar with this because it is sort of your rules of conduct. Questions?

Mayor Diaz: I have a problem with perception, you know. We tend for the public to say the Council is not doing anything and the perception again is that we are not doing anything, right. But it comes down to the fact that we are doing a lot of things, but we can't share some of the information with the public other than the fact that if it's not a visual thing that has happened, you know, they can read it, they can do all kinds of stuff, but the perception is again, everything is done behind closed doors. Everything is talked about and decided before it comes before the Council, and so the perception is that, you know, I guess, not to use other words, don't trust each other. And so the public doesn't trust the government, we might not trust each other, and so forth. We might not trust the staff or staff might even have problems bringing an issue up all the way to the Council because of perception, that something is going to happen to them if they do. So again, it's the area where I guess we have to really consider our own thoughts, our own opinions, and decide whether it's true or not. You know, the picture of Abraham Lincoln.

City Attorney Paladini: I know how that is, I don't think, if you communicate to your constituents about what the City is doing, what it is accomplishing. That is perfectly fine. And you can even communicate that the Council voted this way, I disagree with it, I think we should have voted this way, but that's the majority. You could say that. I hope that this kind of presentation is a start to trying to convince the public that decisions are being made not in back rooms, not behind closed doors, but made in public. But that's up to you; that's really on you to prove to the public, you have to win the public's trust, essentially. If the public doesn't trust you because they think you are doing all these backroom deals, then you've got to work even harder to convince them that you are, and hopefully this kind of training will help the public see that these are the laws, these are the rules, and you commit to following them. And you're not doing any deals in the back room. I can say for 100% certainty, if the public is listening, I've been here since January and I haven't seen any deals done in the back room, any agreements, so that's part of my job here, to make sure you don't violate open meeting law because that reflects badly on you, that certainly reflects badly on me, and it reflects badly on the City. So you

want to make your decisions, have your debates here in public. You know, there are plenty of ways, leaving it up to Veronica to have a discussion later, of communicating what the City is doing, whether it's on the website or other ways as to what the City is accomplishing, what the agenda is, how big the agenda for the City is, what you are trying to accomplish. There's lots of ways to do that, but at the same time, you can't spoon feed these people. If the public doesn't go online or doesn't read things or doesn't come to the meetings, or doesn't listen, you can't force them. That would be my take on it. I hope, like I said, this training tonight will hopefully start in the right direction for public to see that you are doing this the right way, that you are not doing deals in the back room, at least as far as 2023 is concerned. I can't say what happened before, but I can tell you since we started, nobody has been cutting deals in the back. I'm very observant.

Mayor Diaz: You are very observant. Ok, thank you.

Councilor Valenzuela: Thank you.

City Attorney Paladini: Thank you.

Mayor Diaz: That's it. Are there any more comments, any more questions, any follow up? So, do I hear a Motion to Adjourn?

Councilor Flagg: So moved.

Mayor Diaz: Is there a Second?

Councilor Valenzuela: Second.

Mayor Diaz: We stand adjourned.

Acting Mayor Rogers: We didn't vote on it. We might want to stay.

Mayor Diaz: Well, all in favor, signify by saying Aye.

Councilors: Unanimous Aye.

Acting Mayor Rogers: Maybe four of us wanted to stay and play.

The meeting adjourned at 7:30 p.m.

Mayor

ATTEST:

Veronica Moreno, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Agenda Meeting of the City Council of South Tucson, Arizona, held on the 16th day of May, 2023. I further certify the meeting was duly called and a quorum was present.

Dated this _____ day of _____, 2023.

Veronica Moreno, City Clerk